

Remarks

Claims 13 and 17 have been amended in this office action response. No claims have been added or cancelled. Applicant gratefully acknowledges examiner's allowance of claims 2-9 and 14-16. Claims 1-17 are still pending in this application.

I. Rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101

Claim 17 stands rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, and 35 USC § 101 as being directed to non-statutory subject matter.

In response, applicant has amended claim 17 to overcome the examiners concerns. All amendments are fully supported by the original disclosure; no new matters have been introduced. Accordingly, Applicant submits that claim 17 is allowable as amended.

II. Rejection under 35 U.S.C. § 102

Claims 1, 10-11, and 13 stand rejected under 35 USC §102(b) as being anticipated by Seigneur. Seigneur, U.S. Patent No. 5,056,224 (issued Oct. 15, 1991). Applicant respectfully traverses the Examiner's rejection and submits that claims 1, 10-11 and 13 (as amended) are allowable over Seigneur.

Independent claims 1 and 13 require, *inter alia*, a check valve that is "responsive to the inflow of treatment material through one of the opposing inlets" to open one inlet while closing the other. In contrast, Seigneur teaches an apparatus whereby the valves are independently manually adjustable. Seigneur Col.2 line 35-37.

The valves, in Seigneur, are to be rotated with a tool, e.g. a screwdriver, to the desired position. Seigneur Col 4 line 6-8. Accordingly, in Seigneur, it is not the inflow of treatment material that acts upon the check valve, thus moving them to the desired position, it is the manual use of a tool.

Because Seigneur fails to teach all the elements of claims 1 and 13, e.g. a check valve that is responsive to the inflow of treatment material, Applicant submits that these claims are allowable over Seigneur and respectfully requests allowance of the same. Furthermore, because claims 10-11 depend directly on independent claim 1, Applicant requests allowance of claims 10-11 as well.

III. Rejection under 35 U.S.C. § 103

Claim 12 stands rejected under 35 USC § 103(a) as being unpatentable over Seigneur.

As discussed above, because independent claim 1 is patentable over Seigneur and Claim 12 depends directly on claim 1, Applicant submits that Claim 12 is patentable over Seigneur under 35 USC § 103(a).

IV. Conclusion

Claims 1, 10-13, and 17 are believed to be in condition for allowance. Consideration of the foregoing remarks is requested and a notice of allowance is earnestly solicited. Please contact the undersigned regarding any questions or concerns associated with the present matter.

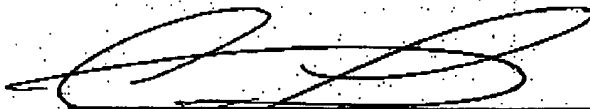
Conclusion

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT

Dated: 7/22/05



Christopher Lewis
Registration No. 51246

Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981